IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18332 of 2004

Between:

M.Gurumurthy, S/o.M.Rama Subbaiah,
O/o.Executive Engineer, Panchayat Raj, Cuddapah.

..... PETITIONER

AND

1 The Suptd., Engineer, Panchayat Raj, Cuddapah.
2 The Executive Engineer, Panchayat Raj, Cuddapah.
3 The Engineer-in-Chief, P.R., A.P. Hyderabad.
4 Govt. of A.P. rep.by its Secretary, Panchayat Raj & Rural Development Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of certiorari calling for the records relating to the order of the Administrative Tribunal in C.A.No.523 of 2004 in O.A.NO.8443 of 2003 with V.M.A No.206 of 2004, dated 25-8-2004 and the connected proc.Rc.NO. C3/3867/93, dated 12-12-2003 issued by the Superintending Engineer, P.R.Cuddapah and Set-aside the same and hold that the petitioner is entitled to continue in service with all consequential benefits.

Counsel for the Petitioner:MR.D.LINGA RAO

Counsel for the Respondents.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:(PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

Challenging an order dated 12.12.2003 terminating him from service after complying with the provisions of
Section 25 (F) of the Industrial Disputes Act, 1947 (for short 'the Act'), the petitioner filed O.A.No.8443 of 2003 before the A.P. Administrative Tribunal. When the interim order dated 26.12.2003 was granted by the Tribunal directing continuance of the petitioner in service, seeking vacation of the said order V.M.A.No.206 of 2004 was filed by the respondents herein. The petitioner filed C.A.No.523 of 2004 complaining of
non-implementation of the interim order of the Tribunal dated 26.12.2003. By an order dated 25.08.2004, the Tribunal disposed of C.A.No.523 of 2004 and V.M.A.No.206 of 2004 vacating the interim orders dated 26.12.2003 and closing the Contempt Application. The earlier interim order dated 26.12.2003 was vacated by recording that as the provisions of Section 25 (F) of the Act had been complied with while terminating the petitioner from temporary service, no ad interim relief was called for. Consequently, the C.A. was also closed.

We find no perversity in the exercise of discretion by the Tribunal warranting interference in this writ petition.

Accordingly, the writ petition is dismissed at the stage of admission.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 01st November, 2004.

YCR/MRK

To

1 The Superintending Engineer, Panchayat Raj, Cuddapah.
2 The Executive Engineer, Panchayat Raj, Cuddapah.
3 The Engineer-in-Chief, P.R., A.P. Hyderabad.
4 The Secretary, Govt. of A.P, Panchayat Raj & Rural Development

Department, Secretariat, Hyderabad.

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 CCs to G.P. for Panchayat Raj and Rural Development, High

Court Buildings, Hyderabad (OUT)

7. 2 C.D. copies.